

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

ANTHONY SMITH,)	
)	
Plaintiff,)	
v.)	Case No. 6:23-cv-00030
)	
CENTRA HEALTH, INC., <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANT CENTRA HEALTH INC.’S MOTION TO DISMISS

Defendant Centra Health, Inc. (“Centra”) submits this Motion to Dismiss portions of Plaintiff Anthony Smith’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). As set forth in the accompanying memorandum, Counts 3, 4, and 8 of Plaintiff’s Complaint should be dismissed because they are plainly time-barred. Additionally, Count 4 should be dismissed for the alternative reason that it is based on Centra’s alleged conduct after the event in question and therefore cannot be the basis for Plaintiff’s claimed constitutional violation.

Centra therefore moves the Court to dismiss Counts 3, 4, and 8 of Plaintiff’s complaint.

Dated: August 31, 2023

/s/ J. Benjamin Rottenborn
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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, a copy of the foregoing was filed on the Court's CM/ECF system which will send notice to all counsel of record:

/s/ J. Benjamin Rottenborn